

IN THE UNITED STATES PATENT AND TRADEMARK OFFICE

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| In re Application of: |) | |
| |) | |
| Hidetsugu Tsubouchi et al. |) | Group Art Unit: 1624 |
| |) | |
| Application No.: 10/574,597 |) | Examiner: Ebenezer O. Sackey |
| |) | |
| Filed: April 27, 2007 |) | |
| |) | |
| For: 2,3-Dihydro-6-Nitromidazo (2, 1-b) |) | Confirmation No.: 3970 |
| Oxazole Compounds for the |) | |
| Treatment of Tuberculosis |) | |

Commissioner for Patents
P.O. Box 1450
Alexandria, VA 22313-1450

Sir:

REPLY

In reply to the Restriction Requirement of October 20, 2010, Applicants elect Group I and compound claims 1-32.

In the Office Action, the Examiner characterizes the scope of the claims as requiring that "R¹ and -(CH₂)_nR² together with carbon attached to it form a spiro ring of formula 30." However, claim 1 only claims that R¹ and -(CH₂)_nR² "may" form such a ring. In this regard, Applicants elect a compound where R¹ and -(CH₂)_nR² do not form a spiro ring (30) together with a carbon atom to which they bind.

With respect to the requirement for an election of species, Applicants elect compound 109 on page 660 of the specification. It is believed this will be sufficient to identify the specific species for R¹ and R² of formula (1) of claim 1.

The claims readable on the elected species are claims 1, 5, 6, 10, 31 and 32.

It is understood that the claims will only have to be restricted to the elected species in the event a generic claim is not found to be allowable.

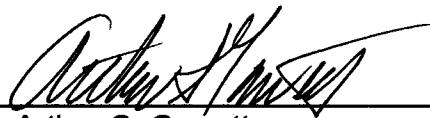
If there is any fee due in connection with the filing of this Reply, please charge such fee to our Deposit Account No. 06-0916.

Respectfully submitted,

FINNEGAN, HENDERSON, FARABOW,
GARRETT & DUNNER, L.L.P.

Dated: January 18, 2011

By: _____



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